Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Application by Ameritech Michigan	)	
Pursuant to Section 271 of the	)	
Telecommunications Act of 1996 to	)	**CC Docket No. 97-137**
Provide In-Region, InterLATA	)	
Services in Michigan	)	

AMERITECH MICHIGAN'S RESPONSE TO MOTIONS TO STRIKE

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July 30, 1997

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Ameritech Michigan ("Ameritech") respectfully submits this response to the Motion of AT&T Corp. to Strike Portions of Ameritech's Reply Comments and Reply Affidavits in Support of its Section 271 Application for Michigan ("AT&T Motion"), and to the Joint Motion of MCI, WorldCom and ALTS to Strike Ameritech's Reply to the Extent It Raises New Matters, Or, In the Alternative, to Re-Start the Ninety-Day Review Process ("Joint Motion"). For the reasons set forth below, the Commission should deny those motions.

INTRODUCTION

Seeking to shield their own comments from fair rebuttal and to deny this Commission the benefits of a complete record, Ameritech's competitors have moved to strike significant portions of Ameritech's reply submission. They dress up this litigation tactic by mischaracterizing Ameritech's reply submission as "new evidence" that allegedly could have been submitted with Ameritech's initial May 21 submission or concerned developments subsequent to May 21. As discussed below, and as demonstrated in detail in Appendix A to this Response (which provides specific responses for each portion of Ameritech's reply affidavits that

movants seek to strike), all the evidence and arguments in Ameritech's reply submission properly responded to comments submitted by the Department of Justice ("DOJ"), the Michigan Public Service Commission ("MPSC"), and Ameritech's competitors. Ameritech's reply was therefore consistent with the Commission's May 21, 1997 Public Notice (DA-1072), which authorized (at 2) "a reply to *any* comments filed by any other participant" (emphasis added).

These motions to strike are particularly disingenuous because the movants themselves included material in their June 10 and July 7 comments concerning events subsequent to May 21. They seek to have their characterizations of these events remain in the record while the Commission strikes Ameritech's rejoinders. Moreover, they seek to elevate this procedural imbalance into a one-sided rule that would guide all Section 271 proceedings before the Commission: the BOC would be precluded from presenting virtually any evidence of developments during the pendency of a Section 271 Application, but its competitors would be free to raise such evidence at any time. *See* AT&T Motion, pp. 13-14; Joint Motion, p. 10. The Commission should reject this effort to turn the Section 271 approval process into an inherently uneven playing field. Because the BOC cannot foresee in its initial submission all the contentions that commenters will raise, it must be given appropriate latitude to respond to those comments and to present rebuttal evidence. Ameritech has done exactly that (and no more), and its competitors' motions to strike accordingly should be denied.

I. Ameritech's Reply Submission Is Entirely Consistent With The Commission's Section 271 Procedural Rules Because It Is Directly Responsive To The Arguments And Allegations Of Opposing Commenters.

Ameritech agrees with the Joint Motion (p. 2) with regard to the proper standard governing these motions to strike:

> An application pursuant to 271 of the Act must be complete on the date it is filed. Any reply submission in support of such an application shall respond only to factual and legal arguments raised in responsive comments of other parties. An applicant may introduce evidence concerning post-application matters only if such evidence is directly and necessarily responsive to matters raised by other commenting parties.

Based on that standard, as demonstrated below, both motions to strike must be denied.

A. Ameritech Was Not Obligated In Its Opening Submission to Anticipate And Address Every Conceivable Point That Any Commenter Might Raise.

Ameritech's competitors argue that it was "improper" for Ameritech to include in its reply submission material that "could have been included in Ameritech's initial submission." Joint Motion, p. 1. They do not and cannot identify any Commission rule or precedent supporting this position. Indeed, their argument completely misapprehends how a regulatory proceeding of this type works. An initial section 271 application must contain sufficient evidence to demonstrate that at the time of filing the applicant has satisfied each of the statutory requirements. Ameritech's May 21 Application, a voluminous and comprehensive filing of over 10,000 pages, including 19 affidavits, clearly satisfied this pleading requirement. Ameritech was not additionally required to anticipate every argument and allegation that its opponents might make. If that were required in an initial application, a reply would be unnecessary.

At the time of a BOC's initial submission, the universe of potential commenters is vast and unknowable, extending to all "interested third parties." May 21 Public Notice, at 1. It simply is not possible to anticipate all the comments — legal and factual — that might be filed weeks later by myriad other carriers, consumer groups, and governmental bodies. Nor is an initial submission required to divine and respond to such potential comments. Rather, an applicant need only set forth a *prima facie* case, showing how it has satisfied each of the Section 271 criteria. Until commenters have filed their submissions, the BOC cannot be sure that there are any outstanding issues, much less know precisely what they are. Thus, while it may be true that the purpose of sequential Section 271 filings is "to permit parties to join issue over a single set of facts and arguments" (AT&T Motion, p. 12), no issue has been joined until the opposing comments arrive. Only then can the BOC fully join (and take) issue with regard to the legal and factual disputes raised by the commenters.[1/]

This reasoning applies to new material in Ameritech's reply whether it pre-dates or post-dates the May 21 filing date. Reply material pre-dating the Application was not necessary to demonstrate Ameritech's *prima facie* compliance with the Section 271 requirements for long distance entry, and it became necessary only when commenters challenged particular aspects of Ameritech's *prima facie* case. Reply material concerning post-filing date developments

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1/ For these reasons, the Joint Motion's purported analogy (p. 9) to a judicial summary judgment proceeding is inapt. In a court proceeding, the pleadings will have limited and identified the universe of parties — and (more importantly) the issues — prior to the filing of an initial summary judgment brief. In a Section 271 proceeding, by contrast, the parties and issues are unlimited and unidentifiable until the comments come in. Thus, the reply submission presents the only realistic opportunity for a Section 271 applicant to address the arguments and allegations of its opponents.

obviously could not have been included in the initial filing and, as discussed in the next section, it too had to be included in the reply in order to rebut specific allegations raised by the commenters.

In this docket, 27 parties (in addition to the DOJ and MPSC) filed initial comments, supported by 40 affidavits. These comments and affidavits advance myriad assertions that no applicant could reasonably have anticipated. To cite just one example, Ameritech had no way of anticipating on May 21 that MCI would charge in its June 10 comments (King Aff., ¶ 129) that Ameritech's position in certain Ameritech/MCI Issue 7.0 implementation meetings undermined Ameritech's commitment to implement Issue 7.0. Thus, it was proper for Ameritech to attach minutes of these meetings (as Schedule 2) to the Reply Affidavit of Joseph Rogers in order to demonstrate that MCI's charges were unfounded. Accordingly, the requests to strike Schedule 2 to the Rogers Affidavit in both the AT&T Motion (Exhibit A) and the Joint Motion (Proposed Order) are baseless.

Ameritech would have had to be marvelously — indeed, perfectly — clairvoyant to foresee all such comments and address them in advance. But such clairvoyance is not required or expected of an applicant in a Section 271 or any other regulatory proceeding. Rather, reply submissions are expected to address the issues raised by third-party comments, just as Ameritech's did. *See* Appendix A.

B. Ameritech's Reply Submission Was Properly Responsive To Comments Previously Filed In This Proceeding.

The complaints of Ameritech's opponents that its reply contains "new evidence" (Joint Motion, p. 1) and "reams of new data and documents" (AT&T Motion, p. 2) fail to come to

grips with the purpose of a reply submission. It was perfectly appropriate — and perfectly consistent with the purpose of a reply submission — for Ameritech to marshal evidence, including "new data and documents," to address the many factual allegations and legal arguments raised for the first time in this proceeding in the third-party comments.

Both motions to strike mischaracterize the responsive additional discussion and evidence provided in Ameritech's reply submission as being analogous to new arguments raised for the first time in a reply brief. But Ameritech's reply comments did not make any new arguments or include any evidence that were not directly responsive to those previously raised in the opposing comments. To the contrary, as Appendix A demonstrates, all of the materials, including the so-called "new data and documents," were aimed at refuting arguments or factual allegations raised in the opposing comments.

Nothing in the Commission's Section 271 or other procedural rules (*see* 47 C.F.R. § 1.45) prohibits the submission of new factual information or other evidence in response to arguments raised by other participants in the Section 271 review process. To the contrary, the Commission specifically recognized that a Section 271 applicant may appropriately file factual evidence with a reply so long as the new material does not "change[] its application in a material respect." *Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, FCC 96-469 (Dec. 6, 1996) ("Section 271 Procedural Rules"). In addition, by precluding "new *arguments* that are not directly responsive to arguments other participants have raised" (*id.* (emphasis added)), the Commission recognizes that reply arguments that respond to arguments raised by commenters are appropriate and authorized. *See*

also North v. Madison Area Ass'n for Retarded Citizens-Dev. Centers Corp., 844 F.2d 401, 405 n.6 (7th Cir. 1988) (denying motion to strike reply brief where appellant's "reply was responsive to matters which were raised for the first time in [appellee's] response").

The AT&T Motion (pp. 1-2) mischaracterizes the proper standard for determining the appropriateness of the materials included in Ameritech's reply. It relies on one sentence from the Commission's Section 271 Procedural Rules (as quoted in a February 7, 1997 Commission order) requiring a Section 271 applicant to "include all of the factual evidence on which the applicant would have the Commission rely" in the application "as originally filed." But that statement, when placed in the context of the Commission's other statements relating to reply comments, means only that an application as originally filed must include sufficient information to meet each of the Section 271 requirements, and that a BOC may not rely on later submissions to cure any missing elements. That is not the issue here, where Ameritech provided evidence of its compliance with each of the Section 271 requirements in its initial submission. The proper standard for reply comments is set forth specifically in those same Section 271 Procedural Rules, to wit, that "[r]eply comments may not raise new arguments that are not directly responsive to arguments other participants have raised." Clearly, then, the Commission does authorize discussion of new matters on reply that *is* directly responsive to comments of other participants. The AT&T Motion does not even acknowledge this Commission standard, and the Joint Motion attempts to evade it, because all of the Ameritech reply materials satisfy it.

As demonstrated in detail in Appendix A, each portion of Ameritech's reply affidavits challenged by the movants is directly responsive to arguments or allegations in the third-party

comments. For example, the affidavit of MCI witness August Ankum extensively criticized Ameritech's collocation pricing, necessitating Ameritech's submission of a reply affidavit (by Paul Quick) explaining why Ankum's criticisms were unfounded. Thus, the request in the Joint Motion to strike paragraphs 10-18 of the Quick Affidavit, which simply explain how Ameritech prices collocation and how Ankum's affidavit mischaracterizes Ameritech's methodology, is utterly baseless. An even more striking example is the movants' effort to strike the bulk of the Mayer/Mickens/Rogers Reply Affidavit. This affidavit replies point-by-point to the OSS comments in the DOJ's Appendix A, and it is simply frivolous to contend that it is not legitimate reply material.[2/]

The fact that Ameritech's reply submission includes some discussion of developments subsequent to its May 21 filing does not make its reply any less responsive. Indeed, in many cases, the *only* way to reply to allegations made by the commenters was to discuss post-filing developments. For example, paragraph 30 and Attachment 8 of the Edwards Reply Affidavit, which the Joint Motion seeks to strike (*see* Proposed Order), explains that there were technical problems with an order by TCG for two-way interconnection trunks, and that the parties resolved the request according to the terms in Attachment 8, a June 17, 1997 letter from Ameritech to TCG. This was a direct response to TCG's false claim (Comments, p. 8; Pelletier

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[2/] Similarly, the movants have no basis for seeking to have stricken significant portions of the Gates/Thomas Reply Affidavit, which directly responds to assertions in the comments of the DOJ, AT&T, MCI, and others regarding the adequacy and performance of Ameritech's OSS interfaces. Moreover, it should be noted generally, given movants' effort to strike extensive portions of Ameritech's reply affidavits, that the Section 271 Procedural Rules *require* the applicant to support all factual allegations with citations to affidavits or other supporting materials.

Aff., ¶ 22) that Ameritech had rejected its requests for two-way trunks. If Ameritech had not so responded, the Commission would have been left with an incomplete and inaccurate picture of the issue in question.[3/]

Moreover, the movants themselves submitted material in their own comments concerning events subsequent to Ameritech's May 21 filing, rendering their present attempt to impose an arbitrary cut-off on Ameritech suspect, to say the least. For example, the June 10 comments of AT&T and MCI are replete with arguments that there is no effective local competition in Michigan "today" and "to date," and they rely on affidavits discussing such post-May 21 events as the ongoing testing of common transport and the local switching platform (as those parties define those items). *See, e.g.*, for AT&T, Falcone/Gerson Aff., ¶¶ 22-30; Bryant Aff., ¶¶ 50-58, 97-109, 110-113, 202; Connolly Aff., ¶¶ 92-102, 134, 229; and, for MCI, the affidavits of Davis, King, and Sanborn, *passim*. In addition, TCG and Brooks Fiber rely heavily on post-May 21 data for many of their assertions. And the reliance of all these parties on post-May 21 information is even more pronounced in their own reply comments.

Virtually all of the materials that reference post-May 21 developments in Ameritech's reply materials respond to these third-party comments regarding facts, information, or events occurring after May 21. *See* Appendix A. Indeed, even the Joint Motion recognizes (in

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[3/] As the Commission recently noted, "BOCs are *required* under our rules to maintain 'the *continuing* accuracy and completeness of information' furnished to the Commission." Memorandum Opinion and Order, *Application of SBC Communications Inc. Pursuant to the Communications Act of 1934, as amended, to provide In-region, InterLATA Services in Oklahoma*, CC Docket No. 97-121, at 37 n.184 (June 26, 1997) (emphasis added). Because the commenters misrepresented so many of the facts at issue in this proceeding, Ameritech was required to correct those misrepresentations in its reply, even if that involved the submission of additional, including post-May 21, material.

principle, if not in application) that where commenters introduce evidence of post-application matters in their comments, the applicant in reply may introduce evidence concerning post-application matters that "is directly and necessarily responsive to matters raised by other commenting parties" (p. 2), and that "Ameritech has a right in reply to respond to such claims made by interested parties in their comments" (p. 10). This concession expresses the relevant test with regard to discussion of post-May 21 (as well as pre-May 21) developments in Ameritech's reply — whether that discussion fairly responds to discussion and evidence of the commenters. As Appendix A demonstrates in detail, Ameritech's reply submission satisfies this test.

Basic fairness requires that Ameritech be permitted to reply to such material with post-filing data of its own. *See In re Western Telecommunications, Inc.*, 3 F.C.C.R. 6405 (1988) (denying motion to strike and authorizing new matters to be raised to ensure fairness to a licensee in a revocation proceeding).[4/] Especially given the commenters' "shotgun" or "throw mud at the wall" approach, Ameritech must be allowed sufficient latitude in the scope of its reply, even if, in some cases, it had to amplify facts and arguments only touched on in its opening submission with new post-May 21 material. For example, Ameritech had no choice but to bring up-to-date information to the Commission's attention (in ¶¶ 16-35 of the Jenkins Reply Affidavit, which the Joint Reply seeks to strike) in response to the completely distorted version of Ameritech's provision of 911 service in its competitors' comments, especially because the

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[4/] Basic fairness also would require, if any Ameritech reply materials concerning post-May 21 developments are stricken, that all references to post-May 21 developments in the June 10 and July 7 third-party comments be stricken.

record before the MPSC showing Ameritech's positive 911 performance gave Ameritech no reason to raise these points in detail in its opening submission. Similarly, Ameritech could properly and fully refute Brooks Fiber's inaccurate assertions about Ameritech's loop provisioning performance only by reference to the investigation conducted by Brooks and Ameritech, completed just days before Ameritech's reply filing, demonstrating that the figures cited in Brooks' comments were wrong and unduly unfavorable to Ameritech. Thus, the discussion of this investigation in ¶¶ 29-35 and Schedules 7,8, and 8.1 of the Heltsley/Hollis/Larsen Reply Affidavit, which the Joint Motion seeks to strike, was essential if the Commission were to have an accurate understanding of the issue in question.

Moreover, the movants' argument (*e.g.*, AT&T Motion, pp. 10-11) that they have had no opportunity to comment on material in Ameritech's reply submission is erroneous. The Commission's Section 271 Rules provide for substantial opportunities to submit *ex parte* materials, and the motions to strike themselves are full of commentary on Ameritech's reply. *See In re Application of Newhouse Broadcasting Corp.*, 61 F.C.C.2d 528, 529 (1976) (accepting new material submitted with reply brief where opponents responded to it in their motion to strike). Nor is there any merit to the movants' arguments that the new material in Ameritech's reply submission will "undercut" or "short-circuit" the Commission's consultations with the DOJ or MPSC. *See* AT&T Motion, p. 11; Joint Motion, p. 8. The DOJ and MPSC are free to make *ex parte* presentations to the Commission if they wish to respond to any of Ameritech's reply material. And it should be noted that neither the DOJ nor the MPSC — the only third parties

that have a statutorily prescribed right to participate in the Section 271 application process — has moved to strike any portion of Ameritech's reply.

II. The AT&T And Joint Motions To Strike Are Improper Because They Fail To Specify The Reasons For Each Proposed Deletion.

Not only have the movants mischaracterized Ameritech's reply submission, but they have failed to meet the procedural requirements for a motion to strike. It has long been the law that a motion to strike may not be "too general" but rather "must be precise" and "specify which parts of the [challenged document] should be stricken and *why*." *Perma Research & Dev. Co. v. Singer Co.*, 410 F.2d 572, 579 (2d Cir. 1969) (emphasis added). As the *Perma Research* court put it in language that has been widely quoted, the movant "must do more than swing its bludgeon wildly." *Id.* at 579, *quoted in, e.g., Jorman v. Veterans Admin.*, 579 F. Supp. 1407, 1412 (N.D. Ill. 1984). The AT&T and Joint Motions fail that test.

The Joint Motion simply lists, in an attached Proposed Order, the reply brief lines and reply affidavit paragraphs that it requests be stricken — with no indication of the reason why each particular line or paragraph should be stricken. For example, the Joint Motion would strike paragraphs 17 and 19 of the Crandall/Waverman Reply Affidavit submitted by Ameritech. Those paragraphs specifically rebut arguments and data concerning long distance revenues per minute that were set forth by MCI affiant Robert Hall in this proceeding. It is not at all clear what MCI and the other submitters of the Joint Motion find objectionable in Crandall/Waverman's specific rejoinders to MCI's specific arguments. While MCI and the other joint movants presumably will argue that the general accusations hurled at Ameritech in the body of the Joint Motion apply generally to the Crandall/Waverman paragraphs, such generalizations

are not sufficient to sustain a motion to strike, as the above authority demonstrates. And there is nothing unique about how the Joint Motion treats the Crandall/Waverman reply affidavit. The Joint Motion's failure to demonstrate (or even identify) the nexus between the purported shortcomings in Ameritech's reply submission and the specific paragraphs to be stricken applies to all the brief lines and affidavit paragraphs it challenges, rendering the Joint Motion fatally defective.

AT&T, too, fails to delineate the reasons for its motion with the requisite specificity. Although the AT&T Motion at least attempts to present an explanation, any improvement over the Joint Motion is but marginal and insufficient to meet the motion to strike standard. In its Exhibit A, the AT&T Motion simply lists, under the heading, "Portions of Ameritech Reply Containing Improper Data, Documents, or Events," the particular portions of the Ameritech reply affidavits that it wishes to strike, adding a generalized request to strike all portions of Ameritech's reply comments that rely on those affidavit portions. The purported rationales for striking this material are set forth in the body of the AT&T Motion, but generally in so skimpy a fashion that the reader is left to guess at what is specifically "improper" about the challenged material. For example, with regard to the challenged portions of the Harris/Teece Reply Affidavit listed in Appendix A, the only hint of a rationale is in a footnote (p. 5 n.3), which says only: "Ameritech also seeks to rely upon June data concerning local competition." Although it is certainly plausible (indeed, likely) that such June data would help to confirm the scope of local competition as of the time of filing in late May, and to respond to the claims of Ameritech's competitors that no such competition exists, A&T makes no attempt to counter this

appropriate use of that data for such a purpose. Instead, AT&T simply throws out the phrase "June data" and assumes that it has done all that is necessary to sustain a motion to strike. But so imprecise a correlation between what is challenged and the rationale for doing so renders AT&T's motion deficient.

CONCLUSION

A principal purpose of the Telecommunications Act of 1996 is to open all telecommunications markets to competition. The public interest therefore requires that the Commission make Section 271 application determinations based on the best and most complete information available. To accede to the requests of Ameritech's competitors and strike the new material in Ameritech's reply submission — all of which is directly responsive to third-party comments previously submitted in this proceeding — would effectively cede control of the Section 271 process to those committed to maintaining the barriers to long distance competition. These opponents of long distance entry could then raise legal arguments and factual allegations in their comments with impunity, knowing that any attempt by the applicant to reply with material not submitted in its initial filing will be disregarded. That is not how Congress envisioned the Section 271 approval process, and such an unbalanced process is not contemplated by the rules and precedents of this Commission. The motions to strike should be denied.

Dated: July 30, 1997

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Max A. Stein, hereby certify that copies of Ameritech Michigan's Response to Motions to Strike were served this 30th day of July, 1997, by hand (except where otherwise noted), upon each of the following persons:

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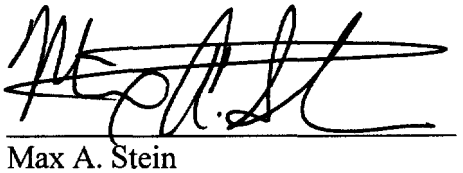

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APPENDIX A

1. Gates/Thomas Reply Affidavit

MCI/ WorldCom/ALTS challenge the entire affidavit (including the sections containing the witnesses' biographical data), but provide no explanation or identification of anything they believe to be specifically objectionable. Even AT&T rejects such blanket assertions and concedes the propriety of parts of the Gates/Thomas affidavit. Accordingly, we limit our discussion to the specific paragraphs challenged by AT&T.

Paragraph(s)	Response
16, 20	Introductory and background material providing foundational information in response to assertions made by the DOJ, AT&T, MCI, Sprint, and others regarding the state of operational readiness of Ameritech's OSS interfaces.
22-23 Sch. 1-2	Respond to the DOJ's assertion regarding operational readiness of Ameritech's pre-ordering interface, and the alleged lack of testing and usage data.
24-25 Schs. 3-4	Describe dramatic increases in EDI order volume as a global response to the various detailed criticisms of the ordering interface in carrier and DOJ comments, and to contrast such complaints against the carriers' contemporaneous and increasing usage of Ameritech's supposedly "unavailable" interfaces. Messrs. Gates and Thomas expressly preface this discussion by saying, "We respond in detail to [the commenters'] criticisms below, but it is important to keep such comments in the proper perspective."
27, 29 31, 32 Sch. 5	All of these paragraphs respond to the comments of the DOJ, AT&T, and MCI, which (along with other carriers) contend that Ameritech's manual review of certain electronically received orders renders the ordering interface unavailable. Paragraphs 27, 29, and 31 describe declining trends in the overall rate of manual review as background for the various carrier and DOJ criticisms, and to demonstrate the continued effectiveness of procedures in place as of the filing date. Paragraph 32 contains Messrs. Gates and Thomas' general conclusion that manual review is cost-beneficial and proper. These statements simply reaffirm and develop similar statements in the opening affidavit of Mr. Meixner. Paragraphs 41-43 (which AT&T does not challenge) reference this discussion to respond to specific comments by the DOJ and AT&T.

33, 35 37, 39 Sch. 6	Discuss specific reasons for manual review and Ameritech's responses. Contain data showing specific reasons for manual review, and their relative rate of occurrence, as an introduction to frame Ameritech's solutions. Those solutions were described in the opening affidavit of Joe Rogers. Messrs. Gates and Thomas simply describe their independent review of Ameritech's work after it was done, to confirm that it was done and done properly.
45	Describes the decrease in order rejection rates and contains the affiants' general conclusion that the rejection rate is not an indicator of operational readiness. As with the area of manual review, this discussion is intended to lay foundation and background for responses to AT&T and DOJ criticisms of Ameritech's rejections of improperly formatted carrier orders, and to demonstrate the continued effectiveness of procedures in place as of the filing date.
46	Responds to AT&T and DOJ comments that rejected orders took 6 days to process in April. The reply is that delays were attributable not to rejection, but to an unexpected surge or "spike" in order volume. Subsequent data are presented to support this conclusion and to show that the April data is not representative.
49, 51 Sch. 7	Discuss specific reasons for rejection and their relative rate of occurrence, as an introduction and foundation for detailed discussion. A similar discussion appears in the opening affidavit of Mr. Joseph Rogers.
54-56, 63, 82 Schs. 9-10	Respond to comments by the DOJ, AT&T and other carriers with respect to the unexpected upturn or "spike" in demand in late April. Ameritech's addition of service representatives and its subsequent processing of volumes in excess of the April spike, with improvements in processing results, confirm that the end-of-April data -- on which the commenters focus undue attention -- were not representative, and also demonstrate Ameritech's ongoing commitment to promptly work to resolve issues as they are identified. AT&T's objection to Schedule 8 -- which was prepared jointly by Ameritech and AT&T -- is particularly puzzling.
67-68 Sch. 11	Describe results of Ameritech Pay Phone usage and CCT testing of the GUI repair and maintenance application, in response to DOJ's expressed concern that it did not have enough data to assess GUI. Paragraph 66 (not challenged) explains why the DOJ's separate analysis of GUI is inappropriate (because GUI is not a separate interface). The transition to paragraphs 67-68 is the phrase "At any rate, though, the results of usage

	and testing of the GUI confirm our overall conclusion that the repair and maintenance function is operational."
69	Shows overall billing usage and volume, to place carrier criticisms of billing interface (discussed below) in perspective.
74-75 Sch. 12	Discuss Ameritech efforts to reduce "3E" (potential double-billing) problem raised by the DOJ, AT&T and LTS, describe Messrs. Gates and Thomas' review of those efforts, and uses operating data to show their efficacy. All of the Ameritech solutions to this issue were described in the opening affidavit of Mr. Joseph Rogers. These paragraphs simply document the independent review of these solutions by Messrs. Gates and Thomas, and show the results.
80-81 Sch. 13	Update filing-date analysis of manual capacity, in response to claims by the DOJ and that manual capacity is inadequate. Demonstrate that Ameritech not only had adequate manual capacity on the filing date (as it demonstrated in its opening application) but that it continues to monitor this issue, and that the commenters' expressed concerns are not warranted.

2. Harris/Teece Joint Reply Affidavit

Paragraph(s)	**Response**
3, 4 Tables II.1 and II.2	These paragraphs summarize the comments of Ameritech's competitors and directly respond to those competitor's assertions that the local services marketplace in Michigan is not subject to open or effective competition.
5 Figures 1 and 2	This paragraph directly responds to the assertions of Ameritech's competitors that (1) there is not "enough" competition in the local services marketplace, (2) the growth rates of Ameritech's competitors are purportedly misleading and not sustainable over time and (3) market entry within Michigan is occurring only in a few cities.
16	This paragraph directly responds to the assertions of AT&T, MCI and other competitors that CLECs in Michigan have minimal switching capacity and that such capacity is difficult to add.
18	This paragraph contains no "new" data and directly responds to the assertions of AT&T, MCI and other Ameritech competitors that

	widespread geographic entry is necessary and has not occurred. AT&T does not seek to strike this paragraph.
24-27,30 Tables II.3-II.5	These paragraphs directly respond to the assertions of AT&T, MCI and other Ameritech competitors that the entrants in the Michigan local services marketplace are not viable competitors. AT&T does not seek to strike these paragraphs.
63	This paragraph directly responds to the assertion of Ameritech's competitors that wireless local competition is far off into the future. AT&T does not seek to strike these paragraphs.

3. Kocher Reply Affidavit

Paragraph(s)	**Response**
4, 9	Responds to AT&T's and MCI's argument that Ameritech, despite its compliance with the MPSC's order on customized OS/DA rebranding in the resale context, does not comply with the Act and the Commission's rules (¶ 418) related to the same subject. In the event the Commission determines that the MPSC's order violated the Act and the Commission's rules, explains that Ameritech will comply with the Commission's ruling. Given the MPSC's previous order in this area, and the State commission's preeminent role in arbitrating interconnection agreements, Ameritech was entitled, in its initial materials, to rely entirely upon its compliance with the MPSC's order.
58	Responds to MCI's charge that Ameritech has not provided MCI with necessary information related to the predicting and diagnosing of EOI trunk blockage. There was no way to know that MCI would level this charge.
70-84, Att. 23	Responds to CLECs' complaints regarding Ameritech's position, expressed by Mr. Edwards, regarding which carrier is entitled to collect access charges where the CLEC purchases ULS along with common transport. Provides a technical discussion of the measurement capability of Ameritech's switches. Impeaches AT&T's argument against using a "rough justice" approach for measuring terminating access; specifically, responds that AT&T (through Mr. Bennet's letter of June 20, after Ameritech's initial filing) acknowledged that actual measurement is not possible right now and proposed its own "rough justice" solution.

85-114, Att. 24-29	Responds to CLECs' arguments that Ameritech is not operationally capable of furnishing the CLEC-defined network element "platform." Moreover, Ameritech's initial brief and Mr. Kocher's initial affidavit noted that Ameritech would be conducting a "platform" trial with AT&T; all parties knew that the trial would take place after Ameritech filed its initial application, and it is only natural to report the results. Finally, responds to specific charges brought by AT&T regarding the scope and usefulness of the "platform" trial, including AT&T's placing the blame for delays upon Ameritech.

4. Mayer/Mickens/Rogers Joint Reply Affidavit

Paragraph(s)	Response
8	Responds to the DOJ's conclusion that further evidence of operability is needed with respect to the EDI preordering functions.
9 n.2	Responds to the DOJ's conclusion that Ameritech has presented the most convincing type of evidence -- commercial operation -- to support the operational readiness of the EDI ordering interface.
10, 12	Responds to the DOJ's discussion of regulatory findings, in particular the weight the DOJ gives outdated findings by the Public Service Commission of Wisconsin as opposed to more recent findings by the Michigan Public Service Commission and the 6/18 ICC HEPO.
16	Responds to the DOJ's unfavorable view of the 6/18 ICC HEPO's treatment of the double-billing issue.
18	Responds to the DOJ's criticism of performance problems caused by AT&T's unannounced volume spike in April 1997.
20	Responds to the DOJ's favorable assessment of the ASR ordering interface, and to the DOJ's expressed intent to monitor the Issue 7.0 migration process.
23	Responds to the DOJ's conclusion that there has been insufficient testing/use of the repair and maintenance interface.